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Napa County Pesticide Use Enforcement Program 2007/2008 Performance Evaluation Report

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October 1, 2008

Performance Evaluation of Napa County Agricultural Commissioner Pesticide Use Enforcement Program

This report provides a performance evaluation of Napa County Agricultural Commissioner's (CAC's) Pesticide Use Enforcement (PUE) Program for the fiscal year 2007-2008. The assessment evaluates the performance of goals identified in the CAC's Enforcement Work Plan (EWP) as well as the program's adherence to Department of Pesticide Regulation (DPR) standards as described in the PUE Standards Compendium.

I. Summary Report of Core Program Elements

A) Restricted Materials Permitting:

The restricted materials permitting program element was found to meet DPR standards and EWP goals.

B) Compliance Monitoring:

The compliance monitoring program element was found to meet DPR standards and EWP goals.

C) Enforcement Response:

The enforcement response program element was found to meet DPR standards and EWP goals.

Summary Statement:

Napa CAC's PUE program is currently effective

II. Assessment of Core Program Effectiveness and Work Plan Goals

A) Restricted Materials Permitting:

1) Permit Issuance

The Napa CAC permit issuance procedures and performance were evaluated through observation and interviews of relevant staff and found to conform to DPR standards and expectations. The biologists that issue permits all possess Pesticide Regulation and Investigation and Environmental Monitoring licenses. The county reviewed 198 Notice of Intents (NOIs) and issued 581 Operator Identification Numbers during the fiscal year 2007-2008. The DPR evaluation determined that permits are:

- Issued only to qualified applicants;
- Signed by authorized persons;
- Issued for time periods allowed by law; and that
- Permit amendments follow approved procedures.

2) Site Evaluation

The Napa CAC's site evaluation procedures were evaluated through observation, record review, and interviews of relevant staff and found to conform to DPR

standards and expectations. The CAC issued 141 agricultural permits and five non-agricultural permits during the 2007-2008 fiscal year. The permits:

- Contained the necessary information;
- Identified treatment areas and sensitive areas that could be adversely impacted by the permitted uses; and
- Identified mitigation measures and included conditions that addressed known hazards.

The CAC's staff adequately evaluated permits and determined if the use of feasible alternatives was required. The program reviews all NOIs in a timely manner and adequately monitored agricultural and nonagricultural permits utilizing pre-application site evaluations and use monitoring inspections.

B) Compliance Monitoring:

1) Inspections

The Napa CAC permit inspection procedures and performance were evaluated through DPR oversight inspections and record review and found to conform to DPR standards and expectations. All biologists that perform inspections possess Pesticide Regulation and Investigation and Environmental Monitoring licenses. Inspections are performed according to the inspection strategy documented in the CAC's EWP. The overall number of inspections (228) conducted decreased (63 fewer inspections compared to 2006-2007) during fiscal year due to efforts toward a light brown apple moth (LBAM) infestation that began in May 2007, and staff availability (illnesses to three inspectors in December through June).

Inspections are performed according to DPR policies and procedures and inspection reports are complete and comprehensive. The CAC's staff is very accommodating when it comes to making themselves available for oversight inspections by the DPR Enforcement Branch Liaison (EBL). The inspections adequately provide the information necessary to successfully prosecute violations.

Inspections performed by the CAC were found to:

- Adequately address label, law and regulatory requirements;
- Include interviews of employers and employees as appropriate;
- Adequately document violations; and
- Include appropriate follow-up inspections and procedures.

2) Investigations

The Napa CAC's investigation procedures and performance were evaluated through observation, record review, and interviews of relevant staff and found to conform to DPR standards and expectations. The CAC investigates all complaints and complete their reports in a timely manner. The CAC refers and or notifies to DPR and other agencies as required.

Investigations are thorough and complete and submitted on approved forms and in the approved format. The investigations document violations and the CAC

collects evidence according to DPR standards. The investigations adequately provide the information necessary to successfully prosecute violations.

C) Enforcement Response:

The Napa CAC's enforcement response was evaluated through observation, record review, and interviews of relevant staff and found to conform to DPR standards and expectations. The CAC's enforcement program tended to be tardy on the issuance of Decision Reports (DRs) within the regulatory time frame established by the ERR, but the DRs were well written. The CAC's enforcement program was found to:

- Initiate the appropriate action when violations are identified;
- Sufficiently support compliance, enforcement and public protection actions;
- Ensure that due process requirements are met when taking an enforcement or permit action or when initiating a private applicator certification or registration refusal/revocation.

The CAC levies fines in the appropriate category, adheres to statutory time frames and follows DPR policies when imposing civil penalties on employees.

III. Recommended Corrective Actions

The only corrective action needed by the Napa CAC's office is to ensure timely receipt of DRs by DPR as required by the ERR.

IV. Non-Core and Desirable Activities

Outreach and Training

The Napa CAC's office performs bilingual (English/Spanish) training to industry employees (2 English/2 Spanish) on pesticide laws and regulations and worker safety as well as outreach to agricultural workers through local health fairs sponsored by Clinic Ole. The CAC worked with the Napa County Farm Bureau to train 400 workers at the Ag. Pesticide Safety and Wellness training in March and gave presentations on pesticide container recycling and the new respirator regulations at the Napa Sustainable Winegrowing Group seminars. The CAC also provides outreach information and materials on compliance with pesticide laws and regulations, industry pest control information, integrated pest management and worker safety to growers, handlers and restricted material permittees with the annual "Ag Rag" newsletter.